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NOTES AND ABSTRACTS.

Criminality in France in 1895.—The official statistics for 1895 show an important decrease in crime in France. For a number of years there has been a diminution of crime, coincident with the development of instruction and the progress of civilization. This diminution is not always apparent from the crude figures of statistics. But those who believe crime is increasing overlook the fact that population has increased, that the law now specifies as crime many things that formerly existed unchecked, that the police is more effective in bringing crime to light, and that public opinion is more sensitive. But in 1895 even the crude figures show the diminution. Thus, in 1894 there were 1451 indictments and 1704 accused of crimes against persons, and 1402 indictments and 2271 accused of crimes against property, while in 1895 there were only 1302 indictments and 1562 accusations for crimes against persons, and 1124 indictments and 1991 accusations for crimes against property. Up to 1892 indictments for crimes against property exceeded those for crimes against persons, while the reverse was the case in 1893, 1894, 1895. The total number of indictments for crimes against persons and property from 1886 to 1895 was successively: 3252, 3164, 3126, 2950, 2982, 2939, 2949, 3035, 2853, 2526. The total number of accused for the same years was: 4397, 4298, 4258, 4113, 4078, 4207, 4096, 4269, 3975, 3553.

The statistics for homicide, extending over fifty years (1845–95), also show a decrease, though not so marked. Assassination and murder together show an increase in 1895 over the years 1845, 1855, 1865, and 1875, but a diminution from the years 1885, 1893, and 1894; the increase of these crimes for the fifty years is proportionally more than the increase of population. But there is a decrease in the number of cases of poisoning and of parricide during the same period, which compensates for the increase of murder and assassination, so that the proportion of homicides to the total population was, in 1895, 1.30 per 100,000 inhabitants, as against 1.50 per 100,000 in 1845, and 1.47 in 1893. This proportion places France below England (0.48) and Germany (0.85), but in advance of Belgium (2.41), Spain (4.17), Italy (6.45), and the United States (11 to 12).

Homicide is most frequent in Corsica (22 per 100,000) and in the southeastern departments, where the passionate Italian element is strong. Then follows the department of the Seine, including Paris (2.44). The smallest proportion is found in the Jura, the most advanced department from the cultural point of view (0.29). No rule is apparent in the distribution of homicides: industrial and rural, northern and southern, eastern and western departments are mingled in confusion in the classification. Yet, aside from the southeastern districts and Paris, homicides are most numerous in the rural departments.

With respect to sex, women commit 15 per cent. of the homicides in France, as against 21 per cent. in England, and 5 per cent. in the United States. If infanticide is included, the proportion rises to 37 per cent.

The number of those accused of rape against adults decreased between the years 1875 and 1895 from 186 to 87, and against children, from 831 to 519. The rural departments show the greatest number of assaults upon children.

The number of indictments for theft decreased from 1238 in 1875 to 975 in 1890 and 707 in 1895. Prosecutions for arson have decreased regularly for many years, the record for the five years ending with 1895 being 215, 196, 190, 168, 157.

Until 1894 there had been a constant and rapid increase of crime among minors from sixteen to twenty-one years of age. But in 1895 there was a sudden fall—30,763, as against 32,317 in 1894. This improvement is especially shown with reference to theft.

This decrease in criminality is the more striking as it coincides with a general

current of indulgence indicated by the correctional prosecutions of 1895, as compared with those of 1894. There were condemned:

	1894	1895
To imprisonment for more than a year	4,032	3,795
" " " a year or less	133,751	122,615
" fines	93,718	94,824
Acquitted	12,398	11,798
Granted suspension of sentence	21,377	23,388

The number of accused recidivists decreased from 1590 in 1894 to 1380 in 1895. The number of recidivists (before trial) has also been reduced from 104,644 in 1894 to 99,434 in 1895.

The official report attributes this general amelioration to the Bérenger law. "The menace of punishment, in the present state of our penitentiary régime, seems to be more efficacious than its execution, at least with respect to first offenders." This explanation, however, is hardly convincing. It would seem to be due not so much to legislation as to the intellectual progress of the nation.—A. BÉRARD, "La criminalité en France en 1895," in *Archives d'Anthropologie criminelle*, January, 1898.

The Evolution of Punishment.—I. *The essence of punishment.*—Events produce impressions upon men in societies which call forth reactions. An immoral act arouses moral disapprobation, expressed, perhaps, merely by coolness on the part of the other members of society toward the offender. If the act is harmful to the society, it becomes a crime and provokes a stronger reaction, which is in a measure of the same kind as the offense. The immoral act and the crime on the one hand, and the blame and the punishment on the other hand, are essentially identical. In uncivilized communities the criminal nature of an act can only be determined by the nature of the reaction against it. In civilized communities a reaction is a punishment only when it is inscribed in the penal code of the state. The stigmatizing reaction becomes penal when the character of publicity, of exteriority, and of universality is attached to it. The purpose of the stigmatizing reaction and of the penal reaction is the infliction of an evil upon the individual who acts contrary to the interests of society. The social reaction is inherent in the nature of society, in the psychology of the masses, in the natural desire for vengeance which may be overcome by the great soul, but never by a considerable group of men who consider an anti-social act as bad and loathsome. There has been a flux and reflux of sentiment with respect to the social reaction against crime, at one time a sentimentalism in the administration of justice and an aversion to the death penalty appearing, followed by a current of social selection which considers the death penalty as an infallible means of purifying the atmosphere. The function of the penal reaction is still to indicate in a more precise manner the element of evil which ought to be inflicted upon the individual; it ought also to increase this element to a much higher degree than is done by the stigmatizing reaction. This is forgotten by the theorists who have exclusively in view the correction or the cure of the delinquent, and who make no distinction between the reaction against crime and the reaction against mental alienation. The reaction against crime is, and always will be, "*malum passionis quod infligitur propter malum actionis.*"

II. *Punishment has not its origin in personal vengeance.*—The number of laws which restrict the struggle for life within the group and the crimes which result from it is in direct relation to the degree of civilization. In spite of restrictions imposed by society, it is always possible for individual forces to come into conflict. Society is indifferent to these conflicts so long as they do not attack *its* true interests. In a slight degree of development the number of crimes is inconsiderable: society, having few interests to protect, has few laws to make. In such a society he who has been injured at once satisfies his desire for vengeance. If he cannot reach his enemy, he takes vengeance upon any object whatever. The spirit of vengeance is not to destroy the offender, and thus to prevent further offense, but it is especially to satisfy wounded pride. It makes no difference whether the vengeance is just, or whether it exceeds the gravity of the aggression. Families sometimes assume the quarrels of one of their members, giving rise to hereditary vengeance.

The principle of retaliation is a modification of vengeance. "An eye for an eye," etc., expresses an attempt to equalize the offense and its repression. The fundamental idea is always the same, viz., that the individual is independent of the community and secures justice for himself.

Yet it is a mistake to think that anarchy reigns in such communities, or that crimes and punishments as such are unknown. Every such society punishes offenses which menace the *public safety*, although it is indifferent to injuries done to individuals. Thus murder may go unpunished except by private vengeance, while sorcery, which is a menace to all persons and things, is punished by death. It is only later that society interests itself in acts harmful to individuals. The first step is to take vengeance under its control: the injured person must satisfy certain conditions imposed by society before he is at liberty to avenge himself. But society goes farther than this: it *aids* the avenger. In case of resistance on the part of the offender, the whole community (as in Polynesia) assists the avenger in securing justice. *At this point* private vengeance becomes *equivalent* to punishment, or to a *social* reaction; the injured person becomes the executor of the punishment which is recognized and *guaranteed* by the state. Another step is taken when there are included in the things harmful to society actions which are not directly aimed against its existence. The murderer, for example, is delivered by the law into the hands of the victim's relatives. In the course of time the state monopolizes the judicial authority and establishes an organ of reaction, the executioner. The right of the offended family to vengeance then gradually disappears.

Private vengeance may also be supplanted by the payment of indemnity. This form of development is in relation with the development of private property, for here cupidity, a passion as strong as revenge, appears. Society is indifferent to these contracts, except that in some cases it makes the right of vengeance depend upon the non-payment of indemnity, and forbids the acceptance of a ransom where vengeance plays the rôle of an equivalent of punishment.

The amount of indemnity was originally determined by the people in assembly, but their action was gradually reduced to a minimum, the chief or some specially appointed persons acting in their stead. But in any case certain rules determined the amount. The need felt for a definitive establishment of this customary law gave rise to written "laws," like the Salic law, which consisted chiefly of a tariff of prices of human flesh. These systems of payment are not the penal law of the country; they are only an enumeration of *delicta privata* for which society has established compensations to the profit of the injured man. Behind these laws there exists the penal law, properly speaking, including the social reaction. The right of society to punish crime does not arise from a system of composition. Besides the composition, which has a juridico-private character, and which represents only in a slight degree a social reaction, we find in every society a distinct penal law which deals with crimes not remissible, crimes against the public welfare. Composition is only one of several means which arose to suppress personal vengeance.

The fact that composition has played a greater rôle in the settlement of conflicts than other means may be attributed, first, to the fact that it filled better than other means the two essential ends, viz., compensation for the wrong and the termination of the difference; and, second, to the fact that it was preceded by another institution which developed in an identical manner, viz., the purchase of women, a purchase which was originally nothing else than a money penalty inflicted upon the author of a rape.

III. *Social reaction.* — Social reaction may take three forms: (1) public, social, and instinctive vengeance; (2) paternal authority, giving rise to family and tribal jurisdiction; (3) sacerdotal jurisdiction.

1. Social vengeance. — The instinctive reaction of society against a violator of its laws has for a basis the same desire for vengeance that marks the individual reaction against wrong. Mass-vengeance is not limited to primitive societies, as lynch law in America testifies. A crowd is a collective individual. Social vengeance, like all vengeance, aims at the destruction of the offender. Exclusion from the community is equivalent to death in primitive societies. Death and exile are therefore two forms of social vengeance. The participation of the people in the execution of the death sentence (as among the Hebrews) is a reminiscence of public vengeance. Legally and

sociologically public vengeance differs from private vengeance, but psychologically they are identical. Public vengeance passes through the same phases of development as private vengeance. It is first a right, and then becomes obligatory. It passes through the phase of retaliation or compensation. Prevention of a repetition of an offense was accomplished by depriving the offender of the means of repeating it, as by cutting off the hand, etc.; or by public humiliation. Public vengeance, like private vengeance, is replaced by composition. Amends are paid to the society, or to its representative, the king. The state is the injured party. Yet there are some crimes which provoke an implacable reaction on the part of society.

2. Patriarchal punishments. — The most natural process of development makes an autocrat of the head of the family. Among savages the patriarch is the chief of the tribe; all the others are chiefly his children, grandchildren, and wives. Later appear adopted and conquered members. The father had the right to judge and to punish. Every transgression was an offense against him. Later this reaction, which was purely instinctive, was considered as the execution of the will of the gods. The administration of patriarchal justice was the beginning or model of the despotic jurisdiction of the chief of the tribe. The supreme power becomes an unlimited authority. The punishments inflicted by a despot emanate from a social reaction. In the first phase of human development the chief is the executor of the general will; if he forgets it, he is assassinated or exiled. In the modern state it is ultimately the general interest which decides. A people has not only the government that it deserves, but also the governmental form that the majority wishes to have.

3. The sacred factor. — At the epoch when the crime constitutes an offense against deity, the reaction contains a religious element, but does not lose its essence. The malefactor may be sacrificed by *any* member of the community; or the community as a whole may rise against him to testify before the gods to their displeasure in his act; or certain men may be set apart as the avengers, viz., the priests. Human sacrifice is identified with punishment by death. When a people has the custom of making periodic sacrifices, criminals are used for the purpose. Besides the priests, there exist everywhere secret societies, bound up with religious ceremonial, whose purpose is to execute the sacred reaction.

The reaction of the state is a natural consequence of the primitive reaction of the *people*. In the punishment inflicted by the state we see a social reaction, which long ago was transferred under some form to a monarch, who, in turn, gave over the execution to judges. Then appeared the idea of the state, and the judicial attributes of the sovereign have largely disappeared. Though punishments are inflicted in his name, society itself is the source of the reaction. — JULIUSZ MACAREWICZ, "Évolution de la peine," in *Archives d'Anthropologie criminelle*, March, 1898.

Questions upon the Method of Sociology.—Every science ought to conform to the rules upon which the existence of scientific thought depends in its essence; but besides there are special rules which are the consequence of the aim and subject-matter which characterize the science itself. The method of a science cannot be constructed *a priori;* it does not precede the science itself, it follows it. Method is always the result of a practice, of an experience of ways leading to incontestable conclusions. The four methods of empirical research formulated by John Stuart Mill are only abstract formularies of diverse inductive conclusions. The inductive sciences had long practiced these methods instinctively. Sociology must conform to these methodic rules. It will never become a science if social phenomena are of too complex a nature to observe and analyze them exactly. When the physical sciences began their conquests, many felt overwhelmed by the variety of phenomena and regarded with skepticism the possibility of reaching valid results. The varied and complex character of phenomena is never an obstacle for science; it can hinder only the application in practice of its results. The physicist cannot predict where each stone of a tumbling house will fall, the complexity of the determining forces being too great for observation and combination. He lets alone such too complex phenomena, limiting himself to observing elementary facts in which the forces are placed under determinable conditions.

Sociology must take the same course. Although the practical and useful end

consists in the prediction of concrete social states, the immediate task of sociological science must be the investigation of elements out of which every social state is composed. The preliminary question which sociology must set before itself is what phenomena outside of the reach of existing sciences it is going to study. We can easily define what life in society is. It is the life which is formed by the common life of men. But, if the elements of society are individuals, there would seem to be no good reason for separating sociology from biology and psychology. This consequence cannot be avoided by saying that society is not the simple sum of its individual members. The developed organism is also not the simple sum of its cells. Nevertheless no one wishes to regard the theory of the developed organism as an independent science alongside of the science of the cells. We cannot see the reasons which will establish sociology as an independent science alongside of biology and psychology, if the individual is the element of society.

Psychology explains to us the formation of social feelings in the individual. When we foresee the actions of a man, his political opinions, his moral ideas, etc., we are only psychologists. But can the psychologist foresee anything of the actions of a people? We do not believe it. The psychology of the people is a new science; it is sociology. The conditions of the victory of an idea, or of a tendency, are not the same for societies as for the individual. The individual becomes a member of society and participates in its life by bio-psychological processes; but the conditions of the development of society are rather its preceding states than the psychological dispositions of individuals. As biology is independent in respect to chemistry, because it presents the phenomena of life in their dependence upon the antecedent states of the organism, so sociology will be independent in respect to psychology and biology. It is independent as over against them in so far as it examines, not human actions which are explained by the life in common, but collective human actions which are explained by preceding collectivity. The origin of society, then, is not a problem of sociology, but of biology; the sociological problem will be the development of society.

History, in the widest sense, furnishes sociology its necessary materials. History does not become in itself sociology, because it does not give us general laws of all societies, but only the form of the special development of a single people. Comparative history aims, however, so much at the establishment of general laws that its differentiation from sociology will be superficial. While all sociologists make use of comparative history, some think that it suffices to solve all problems, and others say not. This divergence is, however, of a secondary importance. That the compilation and systematization of materials does not suffice, goes without saying. Analysis of facts has never founded a science. The synthesis, the hypothesis, is indispensable. Comparative history gives the materials which suggest ideas to the ingenious mind.

We find the method of our science in the analysis of complex societies, for the purpose of discovering the small elementary societies of which they are composed. The question of sociology in itself is: Through what causes do these groups become more and more organized and differentiated? Sociology is composed of three sorts of investigations: (1) the analysis of societies in order to discover the small elementary social groups; (2) the study of the ideas which act as motives of the individual in entering and remaining in the group; (3) the study of the laws and forces which determine the organization, evolution, and differentiation of these groups.—C. N. STARCKE, "Quelques questions sur la méthode de la sociologie," in *Revue internationale de sociologie*, January, 1899.

The Individual and Society.—Men do not enter into society (*Gemeinschaft*) through the fact that they live in neighborhood with one another, nor through the fact that their bodies touch each other. In the external world alone there is no bond which could unite them. Were men bound into bundles, they would be merely bundles of men, not societies. For society there is required a relationship of internal worlds to one another. But the simple, mutual knowledge of inner life is not yet community of life, not even if mutual sympathy is added. If, however, through mutual knowledge of their feelings there arises also the effort mutually to influence them, then there is at once either enmity or sociality (*Gemeinschaft*) — enmity in so far as their feelings are in conflict, and so call forth the endeavor to counteract each other; soci-

ality in so far as their feelings agree and call forth effort toward a mutual furtherance. But in order to call forth such a mutual furtherance, knowledge of the agreement of feelings does not suffice; there must still enter the insight that such mutual furtherance of feelings can take place through external actions. So long as the common coöperation is left to chance or instinct, so long there are no common ends and no society in the human sense. Common purpose must yet be added, and this can proceed only from common insight into the advantageousness of coöperation. In other words, mutually recognized and pursued ends make a human society out of the animal world.

If a narrower society becomes a part of a wider society (voluntarily or through force), some ends (*Ziele*) must remain to the narrower society, otherwise it ceases to be a society and is entirely swallowed up in the wider society. Only in so far as every society possesses its own ends can it be a society distinct from others.

There is no entity, society, which possesses its own ideas, feelings, or will, or leads an independent life over and above its individuals; society has no separate body. It is not a visible but an ideal community. For this reason it can have no ends apart from the ends of its individuals. By this I do not mean to deny that the human organism and society can be placed in justifiable analogy. But this view is very different from that which ascribes to society a soul which is superior to individuals, guides and governs them, has and pursues its own ends. The existence of such a soul not only can never be established, it even contradicts the analogy between the human body and the state or the nation. No physiologist explains the functions of the body from a soul guiding and moving it; from his standpoint he dare not assume such a soul as the ground of explanation, for the object of his observation is only the body itself, and his ideal must be to derive the function of the body from the function of its cells. For him the brain cells are what set the body in motion, guide it and lead it to definite ends. So, too, what leads a nation is not a soul, but individuals.

Society as such not only cannot think, feel, will, it also cannot act, for it possesses no body of its own. Every expression of a common thought can only occur individually. No single action can be executed by a society, but only a *system* or *sum* of actions. In the first case different actions of individuals harmonize in a common end; in the second case all the actions are of the same sort, and the result is only a sum of the results of the single actions.

No society lives with agreement among all its members; every society hides oppositions within itself, without which it could not come to a consciousness nor to a further development of itself. If every member of a society were in exact agreement with all the other members, such a society would be automatic. A society which shows no individual varieties would also almost entirely lose its capacity for adaptation to new circumstances. A species which shows no varieties would be changed through external circumstances much more slowly and with more difficulty than a variable species. The case is the same with human societies: the more numerous the oppositions among their members, the easier they are able to adapt themselves to new circumstances, if the oppositions are not so great as to make impossible common thinking, willing, and acting.

Because society is no independent entity, it can experience no welfare of its own. Its welfare must be sought in the welfare of the individual. The general welfare cannot be separated from the welfare of individuals, but nevertheless is not identical with it, because well-being cannot be distributed, but only the means to well-being.—RICHARD VON SCHUBERT-SOLDERN, "Individuum und Gemeinschaft," in *Zeitschrift für die gesamte Staatswissenschaft*, I, 1899.

Among Women.—The number of men in France belonging to societies for mutual aid number 1,142,000; of women, only 418,000. One reason for this disproportion is that the small salaries of women do not permit them to add to their expenses that of the payment of dues. Societies for mutual aid are divided by law into three groups: (1) those recognized to be of public utility, comprising but a small number; (2) those whose statutes are submitted to the minister of the interior; (3) those authorized by the local prefect of police. I have to do in this article only with the second class. There are 5,326 such societies for men, 2,143 for men and women, and 227 for

women only. Their expenses are of two sorts: (1) those imposed upon them by their statutes, *e. g.*, medical expenses, indemnity in case of sickness, funeral expenses; (2) optional expenses which are occasioned by certain other advantages offered by some societies. The assessments of the members do not pay the expenses of these societies; they are all supported in part by charity. I will treat in detail three typical societies, composed chiefly of women engaged in work connected with dressmaking and the toilet. There are many difficulties in such a life for a young girl of eighteen recently arrived from the country and without friends. Such girls often pass gradually into prostitution, and end in the street or in the hospital. I will first speak of the *Parisienne*. It demands of its members a franc and a half monthly. It excludes from its membership those suffering from chronic diseases. To married women, who, in sickness, are taken care of at home, it pays a franc a day. In case of child-birth it pays a franc a day for twenty days. Unmarried members are cared for at the house of the Sisters of Marie Auxiliatrice, where many of the members live permanently for forty francs per month. A savings department has recently been created. The amount deposited is not at the disposition of the depositor, but is returned only in case of marriage, establishment of a household, or business of one's own, or of entry into religion. After twenty years it pays an annuity.

The *Courturière* pays every member who gives birth to a child fifty francs on condition that she does no work for a month, and twenty-five francs more if she nurses the child herself. The *Mutualité maternelle* does the same. It has reduced the infant death-rate among its members 10 per cent. It used to be as high as 35 or 40 per cent. It makes no distinction between married women and unmarried women who give birth to a child; only about 5 per cent. are unmarried. Women already pregnant are admitted, but receive a smaller benefit. The membership of these three societies is about 3,200. There are no other societies for mutual aid for women at Paris, at least in the ranks of laboring women, properly so called. In the industries above spoken of alone there are 303,000 women employed. It can therefore be seen how small a proportion of the working people take advantage of the benefits of mutuality. This is not due wholly to the smallness of women's salary. Some leave the society because, when out of work, it could not find them a new place on the moment; another because a bottle of soda-water was not given her daily; another because her comrade was not given a pair of glasses, etc. Many having been well for a year or two trust that they never will be sick.

There is also a society for loaning money to persons temporarily in need of it. Loans are limited to six months, and are proportional to the salary of the borrower. There is another way to make societies of mutual aid appeal to young women, that of affording a place of meeting where they can stay Sundays and evenings. To associate charity with mutual aid is a fruitful idea. Without charity mutuality among women could not live.—HAUSSONVILLE, *Revue des deux Mondes*, December 1, 1898.

The Telephone Tangle and the Way to Untie It.— In a comparatively poor state like Norway or Switzerland it is possible to speak upon the telephone from almost any farmhouse or hotel to almost any other farmhouse or hotel in the country. In England it is only with difficulty and delay that it is possible for a subscriber to telephone from one principal town to another. I propose to show how, with great profit to the government, a thoroughly efficient service can be established over the United Kingdom. I propose to show (1) that it is impossible to have the best service over the whole of the United Kingdom, unless it is entirely in one hand and under one control; (2) that, after acquiring the existing system at a fair price, it will prove an enormously remunerative enterprise. Under the present system, when telephoning from one city to another, it is impossible to find who is responsible for delays. A subscriber in London who constantly reports any unreasonable delay can generally connect with any other subscriber in London in fifty seconds. Any subscriber in the United Kingdom who cannot communicate with any other subscriber in the same area in three or, at the outside, five minutes has a grievance that ought to be inquired into. Mr. Preece, of the general post-office, has committed himself to the deliberate statement, "there is no reason why the time occupied in trunk working should be more than that occupied in local telephoning." We know that town service is very remunerative,

and that every wide-awake corporation (Glasgow, the London county council, etc.) is most anxious to get hold of such a gold mine. The trunk-line service is a monopoly that would have been eagerly seized upon in a dozen places subject to any possible conditions as to a speedy service. I do not believe that the telegraph service will lose anything at all by the taking over of the telephones, for a written message has its own very great advantages in all business transactions. It is probable that the capital of the National Telephone Company has been watered 400 per cent. If the government purchased on the lines indicated, borrowing the money at 2½ per cent. interest, it would make an annual profit of £178,612. It will make a further great profit on this transaction because it has very valuable rights in regard to wayleaves which the National Telephone Company has not. Personally, however, I would prefer to deal with a public company which can be talked to at its half-yearly meetings, and sued in the courts, rather than with a government department which is amenable neither to public opinion nor to the law of the land. At present rates money laid out in the future will pay 20 per cent. A message could be sent from any call office for 3d.— A. H. HATHE, *Fortnightly Review*, December, 1898.

Determinism and Responsibility: A Criticism of M. Hamon.—After having criticised M. Hamon I will now briefly set forth my own ideas. I agree with him that the present system of criminal jurisprudence is altogether bad. The impossibility of finding a legal or scientific criterion for responsibility, individual variations of the notion of responsibility, etc., expose the judge to grave errors. According to my opinion the judge and jury ought to acquit or condemn, and apply the penalties according to the law, without hearing physicians on the mental condition of the prisoner. The hearing of medical specialists in court is harmful; it troubles the minds of judge and jury, and makes them acquit here and condemn there according to the ideas of the medical specialist, or the way he expresses them. The impression of the moment, and not justice, brings the verdict. Often the prisoner is judged irresponsible and returned to society; he will be so much the more dangerous because the legal decision regarding his mental condition renders him free to recommence his lawlessness.

Only when the work of the magistrate is finished ought that of the medical specialist to begin. The condemned man can then be examined at leisure without his being excited, without the influence of a bad and mobile public opinion, and without the disturbing influence of pseudo-science. Then the physicians should decide whether he should be sent to prison or the hospital. *Separate the rôle of the magistrate and the physician, that is my thesis.*—DR. LAUPTS, *L'Humanité nouvelle*, December, 1898.